

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 pm.
Wednesday, March 4, 2015

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

Mrs. Elaine Stevenson, Chairperson of the Clark County Planning Commission of Clark County Ohio, calls the meeting to order at 2:00 pm.

Present: Mrs. Elaine Stevenson, Mrs. Nora Parker, Ms. Jo Anderson, Mr. David Minard, Mr. Jim Burkhardt, Mr. Mark Scholl, Ms. Janie Riggs, Commissioner Lohnes and Commissioner Detrick

Absent: Mrs. Charlene Roberge

Chairperson Stevenson asks if there are any corrections or amendments to the minutes. There were none. Chairperson Stevenson asks for a motion to approve the minutes.

CPC: 3-04-2015: Minutes ~ February 4, 2015 ~ Regular Meeting

Motion by Mrs. Parker, seconded by Ms. Anderson, to **Approve** the minutes as presented.

VOTE: Yes: Mrs. Parker, Ms. Anderson, Mrs. Stevenson, Mr. Minard, Mr. Burkhardt, Commissioner Detrick and Commissioner Lohnes

No: None

Abstain: Mr. Scholl and Ms. Riggs

Motion carried.

Mrs. Charlene Roberge arrives at 2:10 pm.

Mr. Scholl removed himself from the Board for Agenda Items #3 and #4.

SB-2015-01: Replat of Lot #2, Shawnee Springs Subdivision ~ Property Owner: Keith Staffan & James Micale, Trustees ~ Location: 820 Shawnee Park Drive ~ Bethel Township

Chairperson Stevenson presents the case and asks Mr. Neimayer for the Staff Report.

Mr. Neimayer stated that the Shawnee Springs Subdivision was approved in 1994. Storm water from the subdivision drains into Minich Ditch and then the Mad River via 20 ft. drainage easements. As shown on the original subdivision plat, two of these drainage easements converge on Lot # 2. A Zoning Permit for Lot #2 (820 Shawnee Park Drive) was approved in

July 2006 for construction of a new home. Legal counsel for the property owner reports that prior to construction of the home some changes were made to the drainage on the lot. A catch basin was constructed in the back of the lot and the drainage area through the middle of the lot was moved to the front of the house.

Mr. Neimayer stated that since the property is being sold, a re-plat of Lot # 2 is required to extinguish the original 20 ft. drainage easement that runs through the middle of the house and to document the relocated 20 ft. drainage easement. The other drainage easement on Lot # 2 remains unchanged. The original covenants and restrictions of the Shawnee Springs Subdivision continue to apply to Lot # 2. The plat was recorded in 1994. Nothing is really being changed but the relocation of the drainage easement. The Commissioners still need to sign off on it. Staff recommends the Re-Plat of Lot # 2 of Shawnee Springs Subdivision be approved as presented subject to verification of some minor plat corrections as noted by the Tax Map Office. Mr. Neimayer asked if there were any questions from the Board.

Mr. Neimayer stated that the reason that they have lot number 24 is noted to make a clear distinction of the original lot number 2 to the plat. There are no rules regulations or anything that tells that is wrong or right. The drawing shows that it is a Replat of lot number 2.

Mr. Neimayer asks if there are any questions for Staff at this time.

Ms. Anderson stated that if she understands correctly if this becomes lot number 24 then there will be no lot number 2 in the Subdivision.

Mr. Neimayer stated that the original subdivision in the recorder's office will have a cross-reference note between the original plat and the replat. Nevertheless, he recommended keeping with lot number 2 for consistency.

Chairperson Stevenson asks where the lot number 24 came from.

Mr. Neimayer stated it is the next "lot" number in this subdivision. He was not sure how the County Auditor's office would process this if lot number 24 is assigned.

Chairperson Stevenson stated that she is very familiar with this property. The home is very well built and they have done an excellent job with the drainage. The property is very nicely landscaped for the next owner.

Chairperson Stevenson asked Mr. Mark Scholl if there have been any water issues with the property.

Mr. Scholl stated that he did not have that information but that it was a real nice stone that was relocated to the front of the house. The whole reason for the Replat is the original builder paid cash for the house so there was no survey required. He asked Mr. Dean Fenton, County Engineer's office to comment.

Mr. Dean Fenton stated that since the house was built in 2006 the County Engineer's office has not been called one time and is not aware of any complaints. There was a nice job of rechanneling the water.

Mr. Scholl stated that the house sits high enough on the lot. It has a garage underneath the house, is sighted very well and protected from being flooded. Mr. Scholl stated that he would like to discuss the lot numbering. The reason that he called it lot number 24 is because there was a similar situation in Holiday Hills where there were two vacant lots and they were numbered 102 and 103. There was a 6 foot utility easement and the decision was made to change the lot line that was done by a replat and changed the numbers to the next consecutive numbers.

Chairperson Stevenson asked if all of the appropriate offices change their information to identify this lot since the old deed identifies it as lot number 2.

Mr. Fenton stated that he first suggested keeping the number as lot number 2 but after some discussion about the replat he liked the idea of the new number because of future title searches.

Chairperson Stevenson stated that she does not want to do anything to hold up the sale.

Ms. Riggs asked if the language that refers to this plat will be referred to as lot number 24 or lot number 2.

Mr. Scholl stated that after everything is transferred it will be referred to as lot number 24.

Mrs. Parker asked what happened to the old drainage ditch.

Mr. Fenton stated that it was probably filled and the house was built over it.

Mrs. Parker asked if the whole thing was filled that is under the house.

Mr. Scholl stated that there is no empty pipe under the house.

Chairperson Stevenson asked how the lot was even deemed buildable with all the drainage coming through the property.

Mr. Fenton stated that he would take some responsibility for that. The lot should have been cut in half and attached to the two adjacent lots to make them larger.

Chairperson Stevenson stated that her concern for the general public is that someone would be told the lot is buildable, buys the lot and finds out later the facts which increase the building cost of the lot considerably.

Commissioner Detrick stated that the building in this particular subdivision got held up for two years and possibly this being the last lot got some top soil dumped on it which changed the flow pattern.

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Commissioner Lohnes stated that if you have enough money every lot is probably buildable.

Chairperson Stevenson asked if there were any more questions or comments.

With no further discussion, Chairperson Stevenson asked for a motion.

CPC: 3-05-2015: SB-2015-01: Replat of Lot #2, Shawnee Springs Subdivision ~ Property Owner: Keith Staffan & James Micale, Trustees ~ Location: 820 Shawnee Park Drive ~ Bethel Township

Motion by Commissioner Detrick, seconded by Mrs. Roberge, to **Approve** the Replat of Lot #2, Shawnee Springs Subdivision as presented.

VOTE: Yes: Commissioner Detrick, Mrs. Roberge, Ms. Anderson, Mr. Minard, Mr. Burkhardt, Mrs. Parker, Ms. Riggs and Commissioner Lohnes.

No: None.

Motion carried unanimously.

Proposed Lotsplit/Attachment ~ Property Owners/Locations: Gayle Harris; 4905 Limrick Road; Green Township; Ray and Sue French; 3484 Old Springfield Road; Green Township ~ Review/approval of shape of lot; Paragraph 4.146 Subdivision Regulations.

Chairperson Stevenson presents the case and asks Mr. Neimayer for the Staff Report.

Mr. Neimayer stated that Gayle Harris, property owner of 4905 Limrick Road, has proposed a Lotsplit/Attachment with the abutting property owned by Raymond and Sue French – 3484 Old Springfield Road. The French property is currently a 1.0 acre parcel and does not provide for a reserve leach field area. The proposed Lotsplit/Attachment would provide an additional 0.304 acres that would include soil conditions meeting the requirements of the Health District to provide a reserve leach field when needed.

Mr. Neimayer stated that due to the resulting shape of the Harris property, Staff has informed the parties involved that the proposed Lotsplit/Attachment would need approval of the County Planning Commission in accordance with Paragraph 4.146 of the subdivision regulations. The Health Department did sign off on this split/attachment on February 18, 2015.

With no further discussion, Chairperson Stevenson asked for a motion.

CPC: 3-06-2015: Proposed Lotsplit/Attachment ~ Property Owners/Locations: Gayle Harris; 4905 Limrick Road; Green Township; Ray and Sue French; 3484 Old Springfield Road; Green Township ~ Review/approval of shape of lot; Paragraph 4.146 Subdivision Regulations.

Motion by Mrs. Roberge, seconded by Ms. Anderson, to **Approve** the Lotsplit/Attachment as proposed.

VOTE: Yes: Mrs. Roberge, Ms. Anderson, Mr. Minard, Mr. Burkhardt, Mrs. Parker, Ms. Riggs, Commissioner Detrick and Commissioner Lohnes.

No: None.

Motion carried unanimously.

Mr. Scholl re-joined the Board.

Public Hearing concerning the proposed updates to the CROSSROADS Land Use Plan in regards to Agricultural Uses and Farmland Preservation.

Chairperson Stevenson presents the case and asks Mr. Neimayer for the Staff Report.

Mr. Neimayer reviewed the proposed changes to the CROSSROADS Land Use Plan in regards to Agricultural Uses and Farmland Preservation. The Board received a copy to review prior to the meeting. The new proposed language is shown in red and the items to be removed are shown in ~~strikeout~~. Under the Agricultural Easement Purchase Program, Applicants can get additional points if the local comprehensive land use plan has been updated within the last seven years. We are beyond that by two years.

Mr. Neimayer presented updated population projections from the Ohio Department of Development. There were changes from the mid 1990's where it showed positive population growth and now we have a negative growth projected for some Miami Valley counties.

Mr. Neimayer also stated that as of January 1, 2015 there were 71 Agricultural Easements in Clark County which are held by Tecumseh Land Trust. These easements account for over 13,000 acres which is approximately seven percent of the farmland in the county.

Mr. Neimayer stated that, other than updating some existing condition data, there is one change being made. Originally it was recommended that Clark County start its own non-profit land trust to hold agricultural easements. Clark and Greene County have been working with the Tecumseh Land Trust very well so there is no need to create our own non-profit.

Commissioner Detrick asked if Springfield Township follows County zoning or if they follow their own.

Mr. Neimayer stated they follow their own zoning, but zoning administration is now handled by the county (Community Development).

Mr. Neimayer stated that he received an email late last evening from Kyle Smith, current President of the Clark County Farm Bureau. The Farm Bureau supports Clark County's efforts in farmland preservation. He questioned why the Farm Bureau was not involved in the process. Mr. Neimayer explained to the Board that the Farmland Preservation Workgroup has had difficulty in the past in getting a representative from the county Farm Bureau to meetings. Mr. Neimayer will respond to Mr. Smith explaining there are no substance changes being proposed to the Crossroads Land Use Plan and invite Mr. Smith to represent the Farm Bureau at future Farmland Preservation Workgroup meetings.

Chairperson Stevenson opened the public hearing at 2:27 pm.

Krista McGaw, Executive Director of Tecumseh Land Trust, gave a presentation on how Clark County's program relates to others in the state. She presented some information to the Board regarding Clean Ohio. She also discussed the funding formula for farmers applying for the program and the timeline to do so.

Commissioner Detrick asked if Greene County is updating their land use plan.

Ms. Magaw stated they are not. Commissioner Detrick stated that Ms. Magaw is very humble and has put 11 million dollars into the hands of Clark County farmers and done an outstanding job through her counseling.

Commissioner Detrick also stated that Clark County has done a wonderful job of educating their farmers. Other Counties such as Mercer and Darke only have one farm in this program because they have a misconception of the program.

Mr. David Stickney, whose address 5659 Neer Road and current Chairperson of the Farmland Preservation Workgroup, stated that he wanted to follow up on the email that was received from the Farm Bureau. In the last five to six years the Farmland Preservation Workgroup has tried to get a representative from the Farm Bureau to come to our meetings. They give a name of a representative and they get invitations but the person never shows up to the meetings. It is very frustrating that there is not a representative from the Farm Bureau that can make a commitment. There seems to be a lack of local participation since the Farm Bureau went regional.

Commissioner Lohnes left the meeting at 2:50 pm.

Commissioner Detrick stated that he wanted to make a couple corrections. In Table 3.1 Clark County's population is 138,000 and the City of Springfield is about 62,500.

Chairperson Stevenson closed the public hearing at 3:04 pm.

CPC: 3-07-2015: Public Hearing concerning the proposed updates to the CROSSROADS Land Use Plan in regards to Agricultural Uses and Farmland Preservation

Motion by Mrs. Roberge, seconded by Mrs. Parker, to **Recommend Approval** to the County Commissioners the proposed updates to the CROSSROADS Land Use Plan in regards to Agricultural Uses and Farmland Preservation as presented.

VOTE: Yes: Mrs. Roberge, Mrs. Parker, Ms. Anderson, Mr. Minard, Mr. Burkhardt, Ms. Riggs, Mr. Scholl and Commissioner Detrick

No: None.

Motion carried unanimously.

Staff Comments

Mr. Neimayer stated that the next scheduled meeting will be April 1, 2015.

Adjournment CPC: 3-08-2015: Adjournment

Motion by Mr. Burdhardt, seconded by Mrs. Charlene Roberge, to adjourn the meeting.

VOTE: *Motion carried unanimously.*

The meeting was adjourned at 3:10 pm.

Mrs. Elaine Stevenson, Chairperson

Mr. Thomas A. Hale, Secretary